

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DERRICK DEAN COFFELT,
Plaintiff,

No. 6:20-cv-00637-AC

ORDER

v.

EMILY PENA and JAMES WELSH,
Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge John V. Acosta issued a Findings and Recommendation on August 25, 2021, in which he recommends that this Court grant Defendants' Motion for Summary Judgment and dismiss Plaintiff's Complaint with prejudice. F&R, ECF 19. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed objections to the Magistrate Judge's Findings and Recommendation. Pl. Obj., ECF 39. When any party objects to any portion of the Magistrate Judge's Findings &

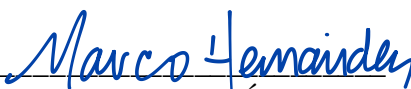
Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). The Court has carefully considered Plaintiff's objections and reviewed the pertinent portions of the record *de novo*. Plaintiff has not identified any basis to modify the Findings and Recommendation. On the issue of qualified immunity, however, the Court clarifies that the specific constitutional rights at issue were not clearly established at the time of the conduct because Defendants could have "reasonably but mistakenly concluded that probable cause was present." *D.C. v. Wesby*, 138 S. Ct. 577, 591 (2018); *see also Sialoi v. City of San Diego*, 823 F.3d 1223, 1233 (9th Cir. 2016) ("Because the standard for probable cause is well settled, the question with respect to whether an unlawful arrest violated clearly established law is whether it is *reasonably arguable* that there was probable cause for arrest." (internal quotation marks and citation omitted)).

CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings and Recommendation [35]. Therefore, Defendants' Motion for Summary Judgment [19] is granted and Plaintiff's Complaint is dismissed with prejudice.

IT IS SO ORDERED.

DATED: October 30, 2021.


MARCO A. HERNÁNDEZ
United States District Judge